



**PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110**

Mailing Date: November 26, 2018

Lucas Smolcic Larson
Muck Rock News
DEPT MR 62644
411A Highland Avenue
Somerville, Massachusetts 02144-2516

PSP/RTKL Request № 2018-0982

Dear Mr. Larson:

On October 19, 2018, the Pennsylvania State Police (PSP) received your request for information pursuant to Pennsylvania's Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 – 67.3104, wherein you state: "Police reports from incidents occurring in Centralia, Pennsylvania, between January 1st, 2015 and the date this request is fulfilled. In 2017, Centralia.org reported that PA State Police officers were patrolling the town, which has been almost completely abandoned, due to ongoing mine fire." A copy of your request is enclosed. By letter dated October 26, 2018, you were notified in accordance with RTKL section 67.902(b) that PSP required an additional thirty days to prepare this final response to your request.

On its face, your request is denied as insufficiently specific. The request lacks specific information, such as incident number, names of the individuals involved, or specific address, necessary for PSP to ascertain which records are being requested. The RTKL requires that a request for records be made with "sufficient specificity to enable the agency to ascertain which records" are being requested. 65 P.S. § 67.703; *Kantrowitz v. Great Valley School District*, OOR Dkt № AP 2009-0646; and *Mollick v. Methacton School District*, OOR Dkt № AP 2009-0180.

Outside of the RTKL and without waiving any exemptions, please be advised that PSP Incident Reports aka "Police reports" are not a public record under RTKL. The RTKL defines a "public record" as "[a] record . . . of a Commonwealth or local agency that: (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege." 65 Pa. Stat. Ann. § 67.102. Additionally, dissemination of PSP Incident Reports would violate Pennsylvania's *Criminal History Record Information Act* (CHRIA), 18 Pa. C.S. §§ 9101-9183, which prohibits criminal justice agencies from

disseminating investigative information, except to other criminal justice agencies. 18 Pa. C.S. § 9106(c)(4).

To the extent that your request seeks or may be construed to seek records involving covert law enforcement investigations, including intelligence gathering and analysis, PSP can neither confirm, nor deny the existence of such records without risk of compromising investigations and imperiling individuals. UNDER NO CIRCUMSTANCES, therefore, should this response to your request be interpreted as indicating otherwise. In all events, should such records exist, they are entirely exempt from public disclosure under RTKL and CHRIA.

You have a right to appeal this response in writing to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17126-0333. Appeal forms are available on the OOR website: <https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>. If you choose to file an appeal, then you must do so within 15 business days of the mailing date of this response and send to OOR:

- 1) this response;
- 2) your request; and
- 3) your reasons for believing that the record is public (a statement of the grounds you assert for the requested record being a public record), as well as for believing the agency has wrongly withheld the record from disclosure (a statement that addresses any ground stated by the agency for the denial). If the agency has given several reasons for withholding the record, then indicate which ones you believe to be wrong.

Respectfully,



Lissa M. Ferguson
Deputy Agency Open Records Officer
Pennsylvania State Police
Bureau of Records & Identification
Right-to-Know Office
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Email: RA-psprighttoknow@pa.gov
1.877.785.7771 (Main); 717.525.5795 (Fax)

Enclosures: PSP/RTKL Request № 2018-0982
Ferguson Verification

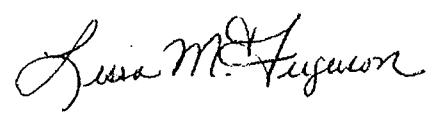
PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS

VERIFICATION OF
LISSA M. FERGUSON
DEPUTY AGENCY OPEN RECORDS OFFICER

I, Lissa M. Ferguson, Deputy Agency Open Records Officer of the Pennsylvania State Police (PSP or Department), am authorized to prepare this verification on the Department's behalf in response to PSP/RTKL Request N° 2018-0982. Accordingly, on this 26th day of November, 2018, I verify the following facts to be true and correct, to the best of my knowledge or information and belief:

1. I am familiar with PSP/RTKL Request N° 2018-0982, which is attached to this verification;
2. The request is insufficiently specific because it fails to provide me sufficient facts to determine which records are sought and whether, on review, any part of the request constitutes a public record requiring disclosure.
3. Specifically, PSP cannot identify the records sought from the information provided because the request lacks specific information, such as incident number, names of the individuals involved or specific address, to ascertain and retrieve the requested records. Absent additional information, PSP cannot pinpoint the repository to search.
4. Outside the RTKL, and without waiving any exemptions, requestor was advised that PSP Incident Reports, also known as "Police reports", are exempt from disclosure under section 708(b)(16) of the RTKL and the Criminal Records History and Information Act (CHRIA).

I understand that false statements made in this verification are subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Lissa M. Ferguson
Deputy Agency Open Records Officer
Pennsylvania State Police

10/26/18 2018-0982

Ott, Cynthia L

From: 62644-88399563@requests.muckrock.com
Sent: Friday, October 19, 2018 2:46 PM
To: SP, PSP RIGHT TO KNOW
Subject: Pennsylvania Right to Know Act Request: Centralia, PA (Ghost Town) Police Reports
Attachments: PA_Right_to_Know_Request_Form.pdf

Pennsylvania State Police
RTK Office
1800 Elmerton Avenue
Harrisburg, PA 17110

October 19, 2018

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

Police reports from incidents occurring in Centralia, Pennsylvania, between January 1st, 2015 and the date this request is fulfilled. In 2017, Centralia.org reported that PA State Police officers were patrolling the town, which has been almost completely abandoned, due to an ongoing mine fire (<https://www.centraliapa.org/police-now-patrolling-centralia-pa/>).

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Lucas Smolcic Larson

Filed via MuckRock.com

E-mail (Preferred): 62644-88399563@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/pennsylvania-state-police-435/centralia-pa-ghost-town-police-reports-62644/?uuid-login=6e2034d0-6948-468a-b279-ea9ce48729b1&email=RA-psprighttoknow%40pa.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 62644
411A Highland Ave
Somerville, MA 02144-2516

RECEIVED
RIGHT-TO-KNOW LAW OFFICES
SUBPOENA UNIT
2018 OCT 19 P 3:02

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2018 OCT 19 P 3:02



RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2018 OCT 19 P 3 02

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 2018-10-19

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Pennsylvania State Police

1800 Elmerton Avenue, Harrisburg, PA 17110

NAME OF REQUESTER: Lucas Smolcic Larson

STREET ADDRESS: Dept MR 62644 411A Highland Ave

CITY/STATE/COUNTY/ZIP(Required): Somerville, MA 02144-2516

TELEPHONE (Optional): _____ EMAIL (optional): 62644-88399563@requests.muckrock.com

RECORDS REQUESTED: *Provide as much specific detail as possible so the agency can identify the information.
Please use additional sheets if necessary

See Attached

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES NO

** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES **
** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL **

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

**Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)